

REMARKS

Claims 1-11, 13-39 were pending. By this Amendment, claims 27, 31, 34, and 37 are cancelled, claims 1, 11, 13, 14, 20, 23, 24, 26, 28, 30, 32, 33, 35, 36, and 39 are amended, new claims 40-43 are added, FIG. 1 is amended, and paragraph [00016] of the specification is amended.

Interview

Applicants appreciate the Examiner's participation in a telephonic interview with Applicants' below-signed counsel on December 11, 2008. Applicants provide the following summary of that interview. The Examiner agreed that an amendment to FIG. 1 to add a portion of a vehicle power train extending into the central opening 18 would not add new matter and would overcome the drawing objection in the November 5, 2008 Office Action. The Examiner also asked that a reference number be added to the illustration of the portion of the vehicle power train and that that reference number be added to the specification. Applicants have done so via the above amendments to FIG. 1 and the specification.

Obviousness Rejections

Claims 1-9, 11, 14-20, 22, 24-26, 28-30, 32, 33, 35, 36, 38, and 39 were rejected under 35 U.S.C. § 103(a) as obvious over Viduya (U.S. Patent No. 6,408,974). Claims 10 and 13 were rejected under 35 U.S.C. § 103(a) as obvious over Viduya in view of Dostert (U.S. Patent No. 5,997,038). Claims 21 and 23 were rejected under 35 U.S.C. § 103(a) as obvious over Viduya in view of Huang (U.S. Patent No. 6,783,157).

Applicants appreciate the Examiner's indication that dependent claims 27, 31, 34, and 37 are patentable over this prior art. See 11/5/08 Office Action, pp. 14-15. Accordingly, Applicants have amended each of the four pending independent claims 1, 11, 14, and 20 to incorporate the subject matter of their respective, patentable dependent claims 27, 31, 34, and 37. Applicants therefore respectfully request the withdrawal of these obviousness rejections with respect to independent claims 1, 11, 14, and 20, as well as their respective dependent claims, which are allowable at least because they depend from allowable independent claims.

Applicants note that the pending claims are also patentable over the cited prior art for the reasons explained in Applicants' July 1, 2008 Amendment.

Applicants have amended dependent claims 28, 29, 30, 32, 33, 35, 36, 38, and 39 to further distinguish one or more embodiments of the present invention from the cited prior art in view of the Examiner's broad interpretation of "attaching" as including "indirectly" attaching. See 11/5/08 Office Action, pp. 12-13.

Drawing Objection

The drawings were objected to for failing to show every feature of the invention specified in the claims. See 11/5/08 Office Action, p. 2. Specifically, the Office Action asserts that:

"[A] portion of a vehicle power train extending through the central opening into a hollow interior of the center structure" in claims 27 and 31; and "a portion of a vehicle power train extending through the central opening into a hollow portion of the center structure" in claims 34 & 37 must be shown or the feature(s) canceled from the claim(s).

Id. Applicants respectfully traverse this rejection because none of claims 27, 31, 34, and/or 37 affirmatively recite such a "portion of a vehicle power train." Rather, each of the claims merely recites that "the center structure includes a central opening to accommodate" such an unclaimed portion (previous dependent claims 27 and 31, the subject matter of which is now incorporated into independent claims 1 and 11) or that "forming the center structure comprises forming in the center structure a central opening to accommodate" such an unclaimed portion (previous dependent claims 34 and 37, the subject matter of which is now incorporated into independent claims 14 and 20). Original FIGS. 1 and 2 fully and adequately illustrate the affirmatively recited "center structure [that] includes a central opening" and the affirmatively recited "hollow interior of the center structure" (independent claims 1, 11). Moreover, FIGS. 1 and 2 fully illustrate that the recited central opening is "to accommodate a portion of a vehicle power train extending through the central opening into a hollow interior of the center structure" (independent claims 1, 11). Furthermore, FIGS. 1 and 2 fully illustrate the affirmatively recited recitation of "forming in the center structure a central opening" and that the center structure includes a "hollow portion" (independent claims 14 and 20). Further still, FIGS. 1 and 2 fully illustrate that the central opening is "to accommodate a portion of a vehicle power train extending through the central opening into a hollow portion of the center structure" (independent claims 14 and 20). The "portion of a vehicle power train" is not a structural feature of the claims, and therefore need not be shown to satisfy 37 CFR 1.83(a). Applicants therefore respectfully request the withdrawal of this objection for at least this reason.

When the Applicants explained the above traversal of this drawing objection to the Examiner during the December 11, 2008 telephonic interview, the Examiner agreed that the "portion of a vehicle power train" is not affirmatively recited in the claims, but nonetheless asserted that the central opening's configuration to accommodate such a portion is a feature of dependent claims 27, 31, 34, and 37. Applicants maintain that the portion of the vehicle power train need not be shown. However, to expedite prosecution, Applicants have nonetheless chosen to amend FIG. 1 to illustrate a generic portion of a vehicle power train extending through the central opening into a hollow interior of the center structure. Applicants submit that this amendment does not include any new matter, and is fully supported at least by the original specification at paragraph [00016] ("A central opening 18 is formed in the front of the cross member 10 to accommodate a portion of the power train."). Applicants therefore respectfully request the withdrawal of this drawing objection.

New Claims 40-43

New dependent claims 40-43 additionally affirmatively recite the "portion of the vehicle power train," and further distinguish one or more embodiments of the present invention from the cited prior art.

Claim Objections

Claims 20, 23, 24, 26, 28, 30, 32, 33, 35, 36, and 39 were objected to because of various informalities. Applicants have amended each of these claims in the manner requested by the Office Action. *See* 11/5/08 Office Action, p. 3. Applicants therefore respectfully request the withdrawal of these objections.

Indefiniteness Rejection

Claim 13 was rejected under 35 U.S.C. § 112, ¶ 2, as indefinite because it depends from a cancelled claim 12. Applicants have amended claim 13 to depend from independent claim 11. Applicants therefore respectfully request the withdrawal of this indefiniteness rejection.

Claim Interpretation

Applicants specifically traverse the Office Action's statement that "the recitation 'by a method other than casting' is interpreted as only 'stamping' as 'stamping' is the only method disclosed in applicant's specification." 11/5/08 Office Action, p. 15. To the contrary, there are numerous other non-casting methods besides stamping, and it is improper to limit the scope of

the recitation “method other than stamping” to any particular embodiment in the specification (e.g., a “stamping” embodiment).

Applicants also specifically traverse the Office Action’s failure to give the term “castings” patentable weight on the ground that there are not “any distinctive structural characteristics of the center structure as a result of the center structure being formed by a method other than casting.” 11/5/08 Office Action, p. 16. The Office Action goes on to state that “[f]rom an outward appearance, a cast center structure and non-cast center structure are structurally the same.” *Id.* Applicants specifically traverse this assertion because one of ordinary skill in the art can readily differentiate between the physical structures (e.g., material flow, crystal structure, etc.) of cast and non-cast structures. Moreover, even if such differentiation required more than an examination of the “outward appearance” of the structure, there are still interior structural differences between cast and non-cast structures, which one of ordinary skill in the art could easily ascertain through appropriate testing and/or examination. Accordingly, the Examiner must give patentable weight to this recitation.

Conclusion

All rejections and objections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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